DETERMINATIONS OF NO JUSTIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S.

	4	ARMY CO	RPS OF ENGINEE	RS			
DISTRICT OFFICE:	CESWG-PE-RC				;		
FILE NUMBER:	<u>D-17661</u>						
REGULATORY PROJECT	MANAGER:	<u>Hudson</u>			Date: 28 Septe	mber 2	2005
PROJECT REVIEW/DETER	RMINATION COM	PLETED:	In the office: Y(Y/N	Date:28 Se	ptember 200	5	

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

State: County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

29 33'11"N 95 09'30"

Texas

Harris

2.28

Clear Creek

Date:

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	П	25-50	> 50	I	near	Unknown
Resources ¹				ac	ac		ac	ac		eet	
Lake											
River											
Stream											
Dry Wash											
Mud Flat						Т					
Sand Flat						Π					
Wetlands	X					Π					
Slough						Π					
Prairie Pothole											
Wet Meadow								·			
Playa Lake						П					
Vernal Pool						Π					
Natural Pond											
Other Water (Identify						П					
Type)											

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for nonjurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known			If Unknown Use Best Professional Judgment						
Migratory Bird Rule Factors*	Yes		No	Predicted to Occur	Not Expected to Occur		t able to Make etermination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?						Х				
Is or would be used as habitat by other migratory birds that cross state lines?						Х				
Is or would be used as habitat for endangered species?						Х				
Is used to irrigate crops sold in interstate commerce						Х				

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Site is located quside of the 100-year floodplain, with no direct hydrological surface connections to a known water of the United States and no known nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston										
FILE NUMBER:	D-17434										
REGULATORY PROJECT MAN	NAGER:	Dwayne J	ohnson					Date:			10/18/2005
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED	In the office At the Projec	_		(Y/N) (Y/N)		Date: Date:			10/18/2005
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W				:		Texas Harris 29° 54' 29 Buffalo/Sa			W 45.26		
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-1	0 ac	10-25 ac	25-50 ac	>50 ac	Linea	r Feet	Unknown
Lake											
River											
Stream											
Dry Wash								_			
Mud Flat				<u> </u>				ļ			
Sand Flat Wetlands					XXXX	Ļ			 		
Slough				 ^^ ^	^^^	}			 	 	
Prairie Pothole				 					╁──	-	
Wet Meadow				1					 		
Playa Lake								<u> </u>	 		
Vernal Pool				İ							
Natural Pond											
Other Water (Identify Type)											
Drainage Ditch/Fish ponds											
Check appropriate boxes that	t best desc	cribe type o	of isolated,	non-	naviga	able, intra-s	tate water	present a	nd bes	t	
estimate for size for non-jur	isdictional	aquatic res	source are	a							
Migratory Bird Rule Factors ¹ :					If Kr	iown			lf Unkn		
								Jse Best P	rotess pected		
				Y	es	No	Predicted to Occur		Dccur	0	Not Able to Make Determination
Is or would be used as habitat	for birds r	rotected b	v	 			to Occur		T		Determination
Migratory Bird Treaties?			,	1							xxxxx
Is or would be used as habitat	by other n	nigratory b	irds that				<u> </u>				
cross state lines?											XXXXX
Is or would be used as habitat											XXXXX
Is used to irrigate crops sold i	n interstate	e commerc	e?						<u> </u>		XXXXX
¹ Check appropriate boxes tha isolated, non-navigable, intra-		-		licab	ility o	f the Migrat	ory Bird R	tule to app	ly to o	site, n	on-jurisdictional,
TYPE OF DETERMINATION: OPTIONAL ADDITIONAL INFO navigation or interstate comm commerce.				.g., di		ion may in			viewed	to ass	

DISTRICT OFFICE: FILE NUMBER:	_		CESWG D-15985(01)									
REGULATORY PROJECT M	1ANAGE	R:			John Wo	ng				L D	a	te: <u>31 Oct</u>	<u>2005</u>
PROJECT REVIEW/DETER	MINATIO	ON COM	PLETE	D:		the office		_ (Y/N) ite <u>N</u> _ (t 2005	
PROJECT LOCATION INFO State: County: Center coordinates o Approximate size of	f site by la site/prope	atitude & erty (inclu			al coordii	nates:	et Si		exas Camero 26-03-47 100 <u>acre</u>	n	<u> </u>	<u>17</u>	
Name of waterway o SITE CONDITIONS:	r watersh	ed:						<u>R</u>	esaca de	los C	u	ates	
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	Т	5-10 ac	10-25 a	:	25-50 ac	> 50	ac		Linear feet	Unknown
Lake	 	 	+	+							Н	icci	
River	 		 	+					_		Н	*	
Stream	+	<u> </u>		+		-			+		H		
Dry Wash			 	+		+			-		H		*
Mudflat	-		<u> </u>	-++		-					H		
Sandflat	 		 	-+-							Н		
Wetlands	X		 	+		<u> </u>					H		
Slough	Α	ļ	-	士		-		-			Н		
Prairie pothole	+			\dashv		+					Н	· - · - · ·	
Wet meadow	+	<u> </u>	 	+	•						Н		
Playa lake	-			+						-	+		
			+	-+-		+					+		
Vernal pool	 	 		+							Н		
Natural pond		ļ		+					V (m	saca	Н		
Other water (identify type)										bow			
Check appropriate boxes that be jurisdictional aquatic resource ar		type of iso	olated, no	n-na	vigable, i	ntra-state v	vate	er present a	and best	estima	te	for size of	ion-
Migratory Bird Rule Factors ¹ :					If Knov	wn		-		lf Unk			4
			}		V	- N-	ъ.	redicted	Not Ex			nal Judgme	nt ble To Make
					Yes	No		Occur		cur	ı		ermination
Is or would be used as habitat for	hirde prot	acted by		-				Cui		- ui	-	X	
Migratory Bird Treaties?	birus prot	ected by										^•	
Is or would be used as habitat by	other migr	atory bird	sthat	_			•					X	
cross state lines?	other migi	atory bird	Stillet									**	
Is or would be used as habitat for	endangere	d species?							X				
Is used to irrigate crops sold in in		- ;	X										
¹ Check appropriate boxes that be	abi	ity of the	Migratory	Bir	d Rule to a	pply to o	nsite,	no	n-jurisdicti	onal, isolated,			
non-navigable, intra-state aquation			FF		•	5 ,				<u> </u>			
TYPE OF DETERMINATION:						Pro	elin	ninary	_ Or	A	۱p	proved	<u>.</u> .
OPITIONAL ADDITIONAL	INFORM	ATION	SUPPOR	2TI	NG N.ID	(e.g., disc	1155	sion mav i	nclude i	nforn	1a	tion revie	wed
to assess potential navigation	or interet	ate comm	erce con	ne	tions - 1	to 3 nara	gra	nhs): Ren	nnant re	saca	no	rtion drai	ns
south away from Passage de la										Juen	۲۷		

DISTRICT OFFICE:	Galveston										
FILE NUMBER:	D-17443										
REGULATORY PROJECT MAI	NAGER:	Dwayne J	ohnson					Date:			11/28/2009
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED	: In the office	_YES		_ (Y/N)		Date:			11/28/2005
			At the Project	n Yes		(Y/N)		Date:			8/11/200
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Lati te/Property							Texas Harris 30° 00' 05 Spring Cre			523
SITE CONDITIONS:	0.4			Τ.,		40.05	0	I	I		Г
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-1	0 ac	10-25 ac	25-50 ac	>50 ac	Linea	r Feet	Unknown
Lake	ļ	<u> </u>									
River	ļ			<u> </u>					ļ	_	
Stream	ļ	 	ļ	<u> </u>					ļ		
Dry Wash Mud Flat	<u> </u>	<u> </u>		┼—					ļ		
Sand Flat			<u> </u>	+-					 		
Wetlands			 	┼		xxxxxxx			-		
Slough			<u> </u>	╁		7000000			+		
Prairie Pothole			 	T					1	 	
Wet Meadow				1					1		
Playa Lake											
Vernal Pool											
Natural Pond											
Other Water (Identify Type)	ļ			İ							
Drainage Ditch/Fish ponds			XXXXXX								
Check appropriate boxes that					navig	able, intra-s	tate water	present a	nd bes	ŧ	
estimate for size for non-jur	isdictional	aquatic re	source area	<u>a.</u>							
Migratory Bird Rule Factors ¹ :					lf Kı	nown			lf Unkn		
				<u> </u>		<u> </u>	Predicted	Jse Best P	rotessi pected		
				Y	es	No	to Occur		Docur	P	Not Able to Make Determination
Is or would be used as habita	t for birds	protected b)V	1			to Occur	`	T	-	Determination
Migratory Bird Treaties?	•	'	•								XXXXX
Is or would be used as habitat	t by other r	nigratory b	irds that						1		
cross state lines?											XXXXX
Is or would be used as habitat				<u> </u>							XXXXX
Is used to irrigate crops sold	in interstat	e commerc	:e?					l	<u> </u>	ļ	XXXXX
¹ Check appropriate boxes that isolated, non-navigable, intra-		-		olicab	lity o	f the Migrat	ory Bird R	ule to app	ly to or	site, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preli	minaı	у	or	Approved	Xxxx	xx	
OPTIONAL ADDITIONAL INFO navigation or interstate comm Drainage ditches are man mad	erce conn	ections - 1									

DISTRICT OFFICE:	Galveston										
FILE NUMBER:	D-17656						-				
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			· · · · · · · · · · · · · · · · · · ·	-	Date:			12/5/200
PROJECT REVIEW/DETERMI	NATION CC	MPLETED	: In the office	_YES	ļ 	_ (Y/N)		Date:			12/5/200
			At the Project	ct YES	i	(Y/N)		Date:			10/20/200
PROJECT LOCATION INFORM State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V	Site by Lati te/Property							Texas Harris 29° 34' 58 West Galv			'W 22.6
SITE CONDITIONS:											
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-1	0 ac	10-25 ac	25-50 ac	>50 ac	Linea	r Feet	Unknown
Lake											
River											
Stream											
Dry Wash			ļ								
Mud Flat	ļ			_							
Sand Flat			ļ	-					ļ		
Wetlands		ļ	<u> </u>	 							
Slough Prairie Pothole	<u> </u>			 							
Wet Meadow	 	ļ									
Playa Lake	1	 		-							
Vernal Pool				 					<u> </u>		
Natural Pond				XXX	XXX						
Other Water (Identify Type)	· · · · · · · · · · · · · · · · · · ·		<u> </u>	1	-						
Drainage Ditch/Fish ponds	-										
1 Check appropriate boxes the	at bost dos	ribo tupo e	of icolated	non	navia	oble intro				 	<u> </u>
estimate for size for non-jui	risdictional	anuatic re	Source are	, 11011- 2	ilavig	abie, ilitra-s	state water	present a	na bes		
Migratory Bird Rule Factors ¹ :		aquatic re.	source area	I	If Kr	nown			lf Unkn	OWB	
imigratory Bird Rule ractors .							ι	Jse Best P			ıdament
						T	Predicted		pected		Not Able to Make
)	es	No	to Occur		ccur		Determination
Is or would be used as habita	t for birds p	protected b	y	T							
Migratory Bird Treaties?											XXXXX
Is or would be used as habita	t by other n	nigratory b	irds that								
cross state lines?		-		<u> </u>							XXXXX
Is or would be used as habita				<u> </u>							XXXXX
Is used to irrigate crops sold				ــــــــــــــــــــــــــــــــــــــ					L		XXXXX
¹ Check appropriate boxes the isolated, non-navigable, intra-	at best deso -state aquat	cribe poten tic resourc	itial for app e area.	olicab	ility o	f the Migrat	ory Bird R	ule to app	ly to or	ısite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preli	iminar	у	or	Approved	Xxxx	:xx	
OPTIONAL ADDITIONAL INFO	ORMATION :	SUPPORTI	NG NJD (e to 3 paragr	.g., di	iscuss): We	sion may in tlands are i	clude infoi solated wi	mation rev	viewed s to int	to asse	ess potential

DISTRICT OFFICE:

Galveston

connections to another water of the US nor any nexus to interstate commerce.

FILE NUMBER:	D11226/01	1					_				
REGULATORY PROJECT MAI	NAGER:	Dwayne J	ohnson				_	Date:			12/7/200
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED	In the office At the Projec			(Y/N) (Y/N)		Date: Date:			12/7/200
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Lati							Texas Jefferson 30° 07' 35			W 4.
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-1	0 ac	10-25 ac	25-50 ac	>50 ac	Linea	r Feet	Unknown
			ļ	.							
Lake River								ļ	ļ		
Stream	-	 	<u> </u>	-					 		
Dry Wash	 	ļ		├					-		
Mud Flat		-		┼─					 		
Sand Flat				\vdash					-		
Wetlands		xxxxxx	<u> </u>	├					 		
Slough				├				 	-		
Prairie Pothole		 	<u> </u>					<u> </u>			
Wet Meadow			 	╁				ļ	-		
Playa Lake				 					 		· · · · · · · · · · · · · · · · · · ·
Vernal Pool		 	<u> </u>	╂──		<u> </u>		<u> </u>	 		
Natural Pond		 		╁					-		
Other Water (Identify Type)											
1	L	Pond		<u> </u>					<u> </u>		
1 Check appropriate boxes tha	t best desc	cribe type o	of isolated,	non-	naviga	able, intra-	state water	present a	nd best		
estimate for size for non-jur	isdictional	aquatic res	ource area	a							
Migratory Bird Rule Factors ¹ :					If Kr	nown		Jse Best P		onal Ju	
				Y	es	No	Predicted		pected t	p	Not Able to Make
lo or would be used as behited	Sau binda u						to Occur		Dccur		Determination
Is or would be used as habitat Migratory Bird Treaties?	•										XXXX
Is or would be used as habitat	by other n	nigratory b	irds that								
cross state lines?											XXXX
Is or would be used as habitat											XXXX
Is used to irrigate crops sold i				L				<u> </u>	<u> </u>		XXXX
1 Check appropriate boxes tha isolated, non-navigable, intra-				licab	lity of	f the Migrat	tory Bird R	ule to app	y to on	site, no	on-jurisdictional,
TYPE OF DETERMINATION:				Preli	minar	у	or	Approved	XXXX	k	
OPTIONAL ADDITIONAL INFO navigation or interstate comm				.g., di	cussi	on may inc	lude inforn	nation revi	ewed to	o asses	

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

D-17212/1

REGULATORY PROJECT MANAGER:

John Davidson

Date:8 Dec. 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 26 July 2005

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State: County:

Texas Orange

Center Coordinates of Site by Latitude & Longitude Coordinates
Approximate Size of Site/Property (Including Uplands & in Acres)

30-9-17.3878 N; 94-0-26.0903 W

23 Acres

Name of Waterway or Watershed

Lower Neches River

SITE CONDITIONS:

Type of Aquatic. Resources 1	0-1 ac	1-3 ac	3-5 ac	-5-10	10-25	25-50	> 50	Linear	Uriknown
Resources 1				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									1
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									
						'			

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

	H Kr	iown-	11Wnkno	wn Use Best Professional Ludgment						
Migratory:Bird Rule Pactors?	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination					
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X							
Is or would be used as habitat by other migratory birds that cross state lines?					х					
Is or would be used as habitat for endangered species?					х					
Is used to irrigate crops sold in interstate commerce				X						

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-urisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING N.D:On the 1995 infrared aerial photo, a wetland signature is present on the tract, which was confirmed in the field. The wetland is located above the 500-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therfore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:				CESW D-1806					
REGULATORY PROJECT M	IANAGE	R:		John W	/ong		I	Date:]	13 Dec 2005
PROJECT REVIEW/DETER	MINATIO	ON COM	PLETED:			Y (Y/N)	_	- 1	_
PROJECT LOCATION INFO	RMATIO	ON:		A	a the proje		<u> [exas</u>	Jale: g	8/01; 11/04_
County: Center coordinates o	f cita by l	atituda &	longitudir	al coor	dinatas		Nueces 27-46-57/97-0	6.00	
Approximate size of s	site/prope	erty (inch	iding unla	nds & in	acres):		835 acres	0-02	
Name of waterway or			.aB abia				Corpus Christi	Bay	
SITE CONDITIONS:							,		
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 a	25-50 ac	> 50 ac	Line	
Lake									
River								Ш	
Stream									
Dry Wash								<u> </u>	
Mudflat									
Sandflat									
Wetlands	X							Ц_	
Slough								1	
Prairie pothole								Ш_	
Wet meadow	ļ							Ц_	
Playa lake								↓↓	
Vernal pool								44	
Natural pond								44	
Other water (identify type)									
¹ Check appropriate boxes that bes jurisdictional aquatic resource are		type of iso	lated, non-r	avigable	, intra-state	water present	and best estima	te for	size of non-
Migratory Bird Rule Factors ¹ :				If Kr	nown	1	If Unk Use Best Profess		
				Yes	No	Predicted to Occur	Not Expected Occur	to	Not Able To Make Determination
Is or would be used as habitat for	birds prot	ected by					X		
Migratory Bird Treaties?									
Is or would be used as habitat by o	ther migr	atory bird	s that				X		
cross state lines?								$\perp \! \! \perp$	
Is or would be used as habitat for	endangere	d species?					X		
Is used to irrigate crops sold in int	erstate co	mmerce?			X				
¹ Check appropriate boxes that bes	ility of th	e Migratory	Bird Rule to	apply to onsite,	non-ju	ırisdictional, isolated,			
non-navigable, intra-state aquatic	resource a	irea.							
TVPF OF DETERMINATION	V•				D,	eliminary V	C Or	Annro	nved

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Four small wetland areas situated between formal dredged material placement area and state highway.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTH ERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	_											
REGULATORY PROJECT M	1ANAGE	R:	_	_		_Lloyd I	Mull	lins	Date: 14 D	ec	2005	
PROJECT REVIEW/DETER	MINATIO	ON COM	PLETED):				ita (V/I	Date: 14 I N) Date:			
PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longitudin Approximate size of site/property (including uplan Name of waterway or watershed: SITE CONDITIONS:						ates:	ect si	H N26 18	Texas	/98	8 23' 58.4	214"
SITE CONDITIONS:												
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5	-10 ac	10-25 a	ıc	25-50 ac	> 50 ac	1 1	inear eet	Unknown
Lake				Ħ						T		
River			1	\Box						Ħ		
Stream				11						\vdash		
Dry Wash				\Box		ļ				\vdash		-
Mudflat				\Box						\vdash		
Sandflat				\vdash		<u> </u>				-		
Wetlands	<u> </u>		 	+		ļ				-		
Slough				╁┼						⊢		
Prairie pothole	-			H								
	+			\vdash						⊢		
Wet meadow				\sqcup		ļ				\vdash		<u></u>
Playa lake			ļ	\sqcup		ļ				L		
Vernal pool				\sqcup								
Natural pond												
Other water (identify type) Stock Pond	X											
¹ Check appropriate boxes that bes jurisdictional aquatic resource are	st describe	type of iso	lated, non-	na	igable, in	tra-state	wate	er present a	and best estima	te 1	or size of	non-
jurisulcuonar aquatic resource are									-			
Migratory Bird Rule Factors ¹ :					If Know	'n		U	If Unk	- 1	1	ent
				1	'es	No		edicted Occur	Not Expected Occur		Not A	able To Make ermination
Is or would be used as habitat for Migratory Bird Treaties?	birds prote	ected by							X			
Is or would be used as habitat by o	s that				X							
Is or would be used as habitat for	endangere	d species?									X	
Is used to irrigate crops sold in int				-					X		H	
¹ Check appropriate boxes that bes non-navigable, intra-state aquatic	bili	ty of the N	ligratory	Bire	d Rule to a		or	ı-jurisdict	ional, isolated,			
TYPE OF DETERMINATION			Pr	elim	inary	Or A	p	proved _2	x			

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): The water body is a livestock pond that is not associated with a navigable waterway.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston

FILE NUMBER:	D17517					-			
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			_	Date:		12/15/2005
PROJECT REVIEW/DETERM	INATION CO	MPI ETED	· In the office	\ ' 05	(Y/N)		Date:		12/19/2006
		WIT LL I LD	At the Project		(Y/N)		Date:		12/18/2005 9/9/2005
			At the Projec	A 1 E 5	(1/14)		Date.		9/9/2005
PROJECT LOCATION INFOR	MATION:								
State:							Texas		
County:							Harri s		
Center Coordinates of	Site by Latit	ude & Lon	aitudinal (Coordina	tae.			"N, 95° 34' 09	" \\\
Approximate Size of S	ite/Property	(Including	liniande 8	In Acres	:1.		20 00 44	14, 93 34 03	92.9
Name of Waterway or \	Watershed:	(o.uug	Opiunus c	· III Acies	•/•		Cyproce (rook	92.8
itamo el tratorivay el t	vatoronica.						Cypress C	/ICCK	
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 a	c 10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake				1		1		1 1	
River				1				 	
Stream				 				+	
Dry Wash				 	<u> </u>	 		+	}
Mud Flat			ļ	 		1		 	
Sand Flat				 				+ +	
Wetlands	XXXXXXX			t-t-		 		 	
Slough	7000000			 		 			
Prairie Pothole				 		 	 		
Wet Meadow	- 			 				 	
Playa Lake				 				+	
Vernal Pool				 		 		 	
Natural Pond				 	- 	 		 	<u> </u>
Other Water (Identify Type)									
10tt		••		<u> </u>		L	L	<u> </u>	<u> </u>
Check appropriate boxes the	at best desc	ribe type o	f isolated,	non-nav	igable, intra-	state water	present a	nd best	
estimate for size for non-ju		aquatic res	ource area		120				
Migratory Bird Rule Factors ¹ :				I II	Known			lf Unknown	odunia di Ma
								rofessional J	
				Yes	No	Predicted		pected to	Not Able to Make
s or would be used as habita	t for hirde n	rotacted by	•			to Occur		Decur	Determination
Migratory Bird Treaties?	t ioi biids p	iotecteu D	,						VVVV
s or would be used as habita	t by other m	igratory bi	rde that	 		<u> </u>		 	XXXX
cross state lines?	t by other in	igratory bi	ius tiiat						VVVV
s or would be used as habita	t for endang	orod enoci	062	 					XXXX
s used to irrigate crops sold				 					XXXX
				<u> </u>	l		<u> </u>		
Check appropriate boxes the	at best desc	ribe potent	ial for app	licability	of the Migrat	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
solated, non-navigable, intra	-state aquati	c resource	area.		s				
TYPE OF DETERMINATION:				Prelimin	ary	or	Approved	XXXXX	
OPTIONAL ADDITIONAL INFO	DRMATION S	UPPORTI	NG N.ID (a	a dicus	sion may inc	lude inform	nation revi	awad th asso	se notantial

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., dicussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Wetlands out of 100 yr. Floodplain w/o a hydrological connection or nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston						_				
FILE NUMBER:	D17464						-				
REGULATORY PROJECT MAI	NAGER:	Dwayne J	ohnson				-	Date:			12/15/2005
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED:	In the office At the Projec			(Y/N) (Y/N)		Date: Date:			12/15/2005 9/9/2005
PROJECT LOCATION INFORMATION: State: County: Center Coordinates of Site by Latitude & Longitudinal Coord Approximate Size of Site/Property (Including Uplands & In A Name of Waterway or Watershed: SITE CONDITIONS:					:		Texas Harri s 29° 59' 16' Cypress C		33' 55"	W 338	
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-1	0 ac	10-25 ac	25-50 ac	>50 ac	Linea	r Feet	Unknown
Lake									 		
River									<u> </u>		
Stream				.				<u> </u>			
Dry Wash				1					1		
Mud Flat											
Sand Flat											
Wetlands	XXXXXXX			İ							,
Slough											
Prairie Pothole											
Wet Meadow											
Playa Lake											
Vernal Pool											
Natural Pond											
Other Water (Identify Type)	-										
1 Check appropriate boxes tha	t hest desc	ribe type c	of isolated	non-	navios	able intra-	state water	nresent a	nd host		
estimate for size for non-jur	isdictional	aguatic res	ource area	1.	i.u.v.g.	2010, 111114	otato mator	prosent a	14 503		
Migratory Bird Rule Factors ¹ :					If Kr	iown	l	ı	f Unkn	own	***
							ι	Jse Best P	rofessi	onal Ju	udgment
				Y	es	No	Predicted to Occur		pected t	0	Not Able to Make Determination
Is or would be used as habitat Migratory Bird Treaties?	•		•								XXXX
Is or would be used as habitat	t by other m	igratory bi	irds that	l						i	
cross state lines?				ļ							XXXX
Is or would be used as habitat											XXXX
Is used to irrigate crops sold i				L				<u> </u>	L		XXXX
1 Check appropriate boxes tha isolated, non-navigable, intra-				licab	lity of	f the Migrat	tory Bird R	ule to appl	y to on	site, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preli	minar	у	or	Approved	XXXX	(
OPTIONAL ADDITIONAL INFO navigation or interstate comm											

or nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:				alveston -17769							
REGULATORY PROJECT M	1ANAGE	R:	<u>M</u>	larie Pat	<u>tillo</u> D	ate: 28 Nov	. 2005				
PROJECT REVIEW/DETER	MINATIO	ON COM	PLETED	In the office Y (Y/N) Date: 28 Nov. 2005 At the project site (Y/N)Date:							
PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longitudina Approximate size of site/property (including uplan Name of waterway or watershed: Rio Grande SITE CONDITIONS:					dinates:	<u>Te</u> <u>Q</u> 28-25-22.0	xas Cameron 3 97-45-8.38 acres				
	1		135	T = 10	10.35	25.50		1 .	•	T1-1	
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25	ac 25-50	ac > 50 ac	1 1	inear et	Unknown	
Lake		1		++				+1			
River	+			 				77			
Stream				 				\top			
Dry Wash											
Mudflat											
Sandflat	 										
Wetlands	1			XXX				11			
Slough	1			1				\top			
Prairie pothole				1				$\pm \pm$			
Wet meadow	+	1		 							
Playa lake				+				\pm			
Vernal pool	+			++				+			
Natural pond	 		-	+				\pm			
Other water (identify type)		+	-								
Other water (identity type)											
	1		1								
	4 1 11	1	1-4-1	<u> </u>	- !44-4		at and back action	242 6	an aiga of		
Check appropriate boxes that be		type of iso	lated, non-	-navigabi	e, intra-stat	e water presei	nt and best estim	ate ro	or size of i	non-	
jurisdictional aquatic resource ar	ea.					···					
Migratory Bird Rule Factors ¹ :				If K	nown			If Unknown			
					T	-	Use Best Profes		il Judgme	ent	
				Yes	No	Predicted	Not Expecte	a to		ble To Make	
					ļ	to Occur	Occur		Det	ermination	
Is or would be used as habitat for	birds prot	ected by				X					
Migratory Bird Treaties?	-41		. 4h a4		-	-			X		
Is or would be used as habitat by	otner migr	atory biru	S that						^		
cross state lines?					-	-			X		
Is or would be used as habitat for	tamatata	u species?				+			X		
Is used to irrigate crops sold in in Check appropriate boxes that be	et deservit	mmerce:	for orali	hilitri of 4	ho Migrata	ny Died Dule 4	o apply to ansite	non		ional isolated	
			or applica	Dility of t	ne migrato	iy biru Kule t	o appry to onsite	,	-jai isuicu	ionai, isolated,	
non-navigable, intra-state aquation	resource a	41 CH.									
TYPE OF DETERMINATIO	N:				F	Preliminary _	Or	App	roved <u>X</u>	<u>′.</u> ,	
ADDITIONAL INFORMATI	ON SUP	PORTING	G NJD (e.	g., parag	graph 1 – s	ite condition	s; paragraphs	2-3 -	- rationa ce	le	
connections; and paragraph 4	s of the	U.S. occur	ring onsite):	Contained wit	thin	the proid	ect				
Tonnections, and paragraph a	JIC HILL	or mation	JII WALLE	~ W. CIIC .	J. Jeeui			r '	· · · · · · · · · · · · · · · · · · ·		

area are wetlands and a water feature which forms part of El Preseno Lake during flood conditions. El Preseno Lake is an isolated water body with no known nexus to interstate commerce, is not a water of the U.S. or subject to Section 404 of

the Clean Water Act.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

	•	Aldvii CO	d 5 of EndineERS		
DISTRICT OFFICE:	CESWG-PE-RC				
FILE NUMBER:	<u>D-17431</u>				
REGULATORY PROJECT	MANAGER:	<u>Hoth</u>		Date: 16 1	November 2005
PROJECT REVIEW/DETE	RMINATION COM		In the office: Y(Y/N) At the project Site: (Y/N)	Date: 16 November	2005
PROJECT LOCATION INF	FORMATION:				
State:				<u>TX</u>	
County:				<u>Brazoria</u>	
Center Coordinate	s of Site by Latitud	e & Longitu	de Coordinates	29° 33' 08"N, 95° 2	3' 31"W
Approximate Size	of Site/Property (In	cluding Up	lands & in Acres)	<u>156</u>	
Name of Waterwa	y or Watershed				

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Li	near	Unknown
Resources ¹	0 1 40	. 3 40	5 5 40	ac	ac	ac	ac		eet	
Lake										
River										
Stream										
Dry Wash										
Mud Flat]
Sand Flat										
Wetlands										X
Slough										
Prairie Pothole										
Wet Meadow										
Playa Lake										
Vernal Pool										
Natural Pond										
Other Water (Identify										
Type)										
1	1	I	i	1 1	1	1	1	I	I	I

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for nonjurisdictional aquatic resource area.

Microtony Dird Dula Factors ²	If Kr	iown	If Unkno	wn Use Best Profess	sional Judgment
Migratory Bird Rule Factors ²	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-urisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The project site is outside the 100-year flood plain of a water of the United States and the site does not contain a tributarty to a water of the United States Therefore, any wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

	COURT BEGIN		ORPS OF ENGINEERS	MIIIEMN COOK	COUNTY V. U.S.
DISTRICT OFFICE:	CESWG				
FILE NUMBER:	<u>D-17344</u>				
REGULATORY PROJECT 1 2005	MANAGER:	Chris W	<u>rbas</u>		Date: 21 December
PROJECT REVIEW/DETER	RMINATION COM	MPLETED:	In the office: Y(Y/N) At the project Site: Y(Y/N)	Date:21 December	<u>r 2005</u> December 2005
PROJECT LOCATION INFO	ORMATION:		1 3		2000
State:				<u>Texas</u>	
County:				Chambers	
Center Coordinates				29° 45′ 17"N, 94°	51' 44"W
Approximate Size of		ncluding U _l	plands & in Acres)	<u>N/A</u>	
Name of Waterway	or Watershed			Trinity Bay	

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	I	inear	Unknown
Resources ¹				ac	ac	ac	ac	1	Feet	
Lake										1-1
River										
Stream										
Dry Wash										
Mud Flat										
Sand Flat										
Wetlands										X
Slough										
Prairie Pothole										
Wet Meadow										
Playa Lake										
Vernal Pool										
Natural Pond										
Other Water (Identify										
Type)										

¹Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Kr	own	If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce					X		

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING N (hydrophytic vegetation, wetland hydrology, and hy 1987 Wetland Delineation Manual are considered is of the United States. In addition, the wetlands do not the 100-year floodplain of any nearby waterway.	dric soils) of a we olated, since there ot sustain a nexus	tland as outlined in are no direct conne	the Corctions	ps o o na	f Eng vigal	gineers ble waters	
•							
		:					
	·						